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Attorneys for Plaintiff RED HAT, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RED HAT, INC.,

Plaintiff,

v.

VIRTAMOVE, CORP.,

Defendant.

CASE NO. 5:24-CV-04740-PCP

**PLAINTIFF RED HAT'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER
DEFENDANT'S MATERIALS
SHOULD BE SEALED**

Judge: Hon. P. Casey Pitts
Courtroom: 8, 4th Floor

PLAINTIFF RED HAT'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
DEFENDANT'S MATERIALS SHOULD BE
SEALED

CASE NO. 5:24-CV-04740-PCP

Pursuant to Civil Local Rules 79-5 and 7-11 Governing Administrative Motions to Seal and to Consider Whether Another Party's Materials Should be Sealed, Plaintiff Red Hat, Inc. ("Red Hat" or "Plaintiff") hereby requests the Court to consider whether portions of Plaintiff's Reply in Support of Contingent Motion to Conduct Jurisdictional Discovery ("Reply") and Exhibits 1 and 2 in support of the Reply should be sealed.

This motion complies with Judge P. Casey Pitts' Standing Order for Civil Cases and Civil Local Rule 79-5 and identifies the portions for which sealing is requested by Defendant VirtaMove, Corp. ("VirtaMove" or "Defendant"). Plaintiff files this administrative motion to afford VirtaMove the opportunity to defend these designations. In compliance with the applicable rules, Red Hat has filed under seal the following:

- The highlighted portions of its Reply that quotes text VirtaMove has designated or anticipates designating "Confidential – Attorneys' Eyes Only."
- The entirety of Exhibit 1 to Red Hat's Reply. VirtaMove has designated this entire document "Confidential – Attorneys' Eyes Only" under the protective order in *VirtaMove Corp. v. Hewlett Packard Enter. Co., et al.*, Case No. 2:24-cv-00093-JRG, Dkt. 60.
- The entirety of Exhibit 2 to Red Hat's Reply. VirtaMove has designated this entire document "Confidential – Attorneys' Eyes Only" under the protective order in *VirtaMove Corp. v. International Business Machines, Corp.*, Case No. 2:24-cv-00093-JRG (Lead Case), Case no. 2:24-cv-00064-JRG (Member Case), Dkt. 60.

Pursuant to Civil Local Rule 79-5, this statement is accompanied by unredacted versions of the Reply and Exhibits 1 and 2. To the extent VirtaMove files a statement and/or declaration in support of sealing the foregoing documents or portions thereof, Red Hat reserves the right to respond. L.R. 79-5(f)(4).

DATED: November 8, 2024

Respectfully submitted,

KIRKLAND & ELLIS LLP

/s/ Brandon H. Brown

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on counsel of record via the CM/ECF system of the United States District Court for the Northern District of California and via email on all counsel of record.

DATED: November 8, 2024

/s/ Brandon H. Brown

Brandon H. Brown